

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

RODNEY LEON BROWN, #1144890,

Petitioner,

v.

ACTION NO. 2:15cv138

HAROLD W. CLARKE, Director,
Virginia Department of Corrections,

Respondent.

FINAL ORDER

This matter was initiated by petition for a writ of habeas corpus under 28 U.S.C. § 2254. The petition challenges the application of certain laws that the Petitioner claims is prohibiting him from obtaining good time credit at his annual reviews.

The matter was referred to a United States Magistrate Judge for report and recommendation pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia. The Report and Recommendation recommends dismissal of the petition. Each party was advised of his right to file written objections to the findings and recommendations made by the Magistrate Judge.

On August 26, 2015, the Court received a handwritten document from the Petitioner, which has been construed as objections to the Report and Recommendation. ECF No. 17. The Court directed the Respondent to file its response to the Petitioner's objections by September 14, 2015. ECF No. 18. The Respondent filed no response to the objections and the time for responding has now expired.

The Court, having reviewed the record and examined the objections filed by the Petitioner to the Report and Recommendation, and having made *de novo* findings with respect to the portions objected to, adopts and approves the findings and recommendations set forth in the Report and Recommendation filed July 22, 2015. It is, therefore, ORDERED that the Respondent's Motion to Dismiss is GRANTED and the Petitioner's petition is DENIED and DISMISSED with prejudice.

The Petitioner is hereby notified that he may appeal from the Judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within thirty days from the date of entry of such Judgment.

The Petitioner has failed to demonstrate a substantial showing of the denial of a constitutional right. Therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. *See Miller-El v. Cockrell*, 123 S.Ct. 1029, 1039 (2003).

The Clerk is requested to mail a copy of this Final Order to the Petitioner and to provide an electronic copy of the Final Order to counsel of record for the Respondent.



Arenda L. Wright Allen
United States District Judge

Norfolk, Virginia

Sept 21, 2015